

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
ASJ & ASSOCIATES, INC.,	§	Bankruptcy Case No. 05-31595
Debtor.	§	
_____	§	
	§	
ASJ & ASSOCIATES, INC.,	§	CIVIL ACTION NO. H-05-0997
Appellant.	§	

DISMISSAL ORDER

Debtor ASJ & Associates, Inc. filed this appeal from the United States Bankruptcy Court for the Southern District of Texas. The Clerk of the District Court entered the appeal on this Court's docket on March 23, 2005.


Bankruptcy Rule 8006 provides that the Appellant shall serve and file a designation of the items to be included in the record on appeal and a statement of the issues to be presented within ten (10) days after filing the notice of appeal. Bankruptcy Rule 8009(a)(1) provides that the Appellant shall serve and file a brief within fifteen (15) days after the entry of the appeal on the District Court's docket. These deadlines have expired and Appellant has neither filed the required items nor requested an extension of time to do so.

Under Bankruptcy Rule 8001(a), "Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal." Because Appellant has failed to take any action in furtherance of this appeal, the Court concludes that the procedural omissions warrant

dismissal of this appeal. *See M.A. Baheth & Co. v. Schott (Matter of M.S. Baheth Construction Co.)*, 118 F.3d 1082, 1083-84 (5th Cir. 1997), *cert. denied*, 522 U.S. 1092 (1998). Accordingly, it is hereby

ORDERED that this case is **DISMISSED** without prejudice for want of prosecution and failure to comply with the Bankruptcy Rules.

SIGNED at Houston, Texas this **28th** day of **April, 2005**.



Nancy F. Atlas
United States District Judge